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8/3/02IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas, et al.  
Serial No.: 09/647,126  
Filed: November 20, 2000  
Group Art Unit: 3683  
Examiner: Siconolfi, Robert  
Title: DISC BRAKE SEAL ASSEMBLY

REQUEST FOR RECONSIDERATION

Box AF  
Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

This paper is responsive to the Advisory Action mailed on July 3, 2002. The Examiner rejected claims 19-33 under 35 U.S.C. §103(a) as being obvious over Baumgartner in view of Angerfors. The Examiner contends that it would have been obvious to have the friction ring 80 of Baumgartner engage an unthreaded portion of the spindle 70. A benefit disclosed in Baumgartner in column 7, lines 9 to 14, is that the friction ring 80 can exercise a frictional torque on the spindle 70 to prevent rotation of the adjusting spindle 70. Figure 1B illustrates that the external threads of the spindle 70 engage the inner diameter of the friction ring 80. This would assist in preventing rotation. If the friction ring 80 of Baumgartner was employed on a smooth surface as suggested by Angerfors, the benefit would be ruined. There is thus no proper suggestion to combine the reference as proposed. It is basic patent law that a proper suggestion to combine cannot ruin goals or features of the base reference. Applicant's claims are not obvious.

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Claims 20, 21, 27 and 28 claim that the outer surface of the support element provides a smooth sealing surface which is engaged by a lip portion of a further seal. The Examiner is calling the angular part 81 the support element. As shown in Figure 1B of Baumgartner, nothing engages the outer surface of the angular part 81 as required by Applicant's claims. Neither reference discloses or suggests anything engaging an outer part of a support element, and Claims 20, 21, 27 and 28 are not obvious.

Claims 22 and 29 claim that the support element is carried externally by the sleeve. Claims 23-25 and 30-32 claim that an annular base of the support element rests against an adjacent end of the sleeve. In Baumgartner, as shown in Figure 1B, the angular part 81 is not carried externally by the transverse member 7, nor does it rest against an adjacent end of the transverse member 7, but rather is carried externally of the friction ring 80. Claims 22-25 and 29-32 are not obvious in view of Baumgartner and Angerfors.

Applicant hereby appeals the final rejection. The Commissioner is authorized to charge the \$320.00 Notice of Appeal Fee to Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C.

Respectfully Submitted,

**CARLSON, GASKEY & OLDS, P.C.**



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**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, TC 3600, After Final, 703-872-9327 on July 30, 2002.

  
Raimi Blackerby

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